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Letter dated 5 August 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the enclosed Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan, signed on 30 July 2011 (see annex).

In order to evaluate how the United Nations could support implementation of this Agreement, and with a view to providing the Security Council with recommendations in this regard, I would like to inform you of my intention to request the United Nations Interim Security Force for Abyei (UNISFA) to undertake a reconnaissance mission along the border between the Sudan and South Sudan as soon as possible.

(*Signed*) **BAN** Ki-moon

11-44886 (E) 160811

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Annex

Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan

Addis Ababa, 30 July 2011

1. The Government of the Sudan and Government of South Sudan, hereinafter referred to as the Parties, reaffirm their commitment to the agreement signed in Addis Ababa on 29 June 2011, as supplemented by the agreements of 7 December 2010, Annex 2, which relates to the Joint Political and Security Mechanism (JPSM), and the Joint Position Paper signed between the National Congress Party/Sudan Armed Forces and Sudan People's Liberation Movement/Army on 30 May 2011, with the following additions and amendments:

(i) Amendments to the 7 December 2010 JPSM document: JPSM membership would be expanded to include the Ministers of Foreign Affairs and Ministers of Interior of both countries; reference to the Joint Field Committee would become the Joint Border Verification Monitoring Mechanism (JBVMM), the Joint Sector Teams (JSTs) would become Joint Border Verification Monitoring Sectors, the Joint Team Sites (JTS) would become Joint Border Verification Monitoring Teams (JBVMTs), and reference to the Common Border Zone would become the Safe Demilitarized Border Zone (SDBZ).

(ii) Prior to first meeting of the JPSM, a joint legal committee of the Parties assisted by the AUHIP legal advisors will prepare a consolidated document for the reference of the JPSM.

2. The Parties agree with the Force Commander to 300 force protection as an adequate basis, pending the recommendations of the Force Commander as per Paragraph 5 of the 29 June 2011 agreement.

3. The Parties agree that the area of responsibility (AOR) for the JBVMM shall correspond to the SDBZ. The centre line for the SDBZ shall be the 1/1/56 borderline except for the agreed disputed areas. Pending the final resolution of the disputed areas, the administrative common borderline, as reflected in the map produced and signed by the Technical Boundary Demarcation Committee before the first meeting of the JPSM and shall be used as the sole reference. This map shall be attached to the consolidated document referred to in Paragraph 1 (ii) for their operation.

4. The Parties agree that they and the United Nations Interim Security Force for Abyei (UNISFA) shall, in accordance with the provisions of the 29 June 2011 Agreement, undertake a joint assessment mission to establish: the location of the mission headquarters; location and number of sector headquarters; the location and number of teams; and the personnel to be assigned to these tasks. The outcome of the assessment mission shall be submitted to the JPSM for consideration and approval.

5. The Force Commander shall also undertake a reconnaissance mission, in consultation with the Parties, to assess the operational requirements of the mission.

6. The Parties agree to the tasks stipulated in Annex A of this Agreement.

7. Both Parties shall submit their proposals on the corridors of movement to the JPSM.

8. The Parties hereby request the UN to endorse the agreement on the Border Monitoring Support Mission with the following additional tasks to the UNISFA mandate:

(i) Provide force protection

(ii) Provide observers

(iii) Provide logistic and air support

(iv) Provide accommodation for national observers

(v) The Senior Observer reports to the UNISFA Force Commander

9. The Parties agree to prepare for the JPSM in accordance with previously agreed rules of procedure as in Annex C.

10. The Parties agree that the first meeting of the JPSM will be held on 17 August 2011. The meetings of the JPSM shall rotate between Sudan and South Sudan. The first meeting will be held in Khartoum.

11. The SDBZ and associated border management mechanisms are measures necessary until normal relationships prevail between the two sovereign States. Thus the JPSM shall review the necessity of these measures every six months with a view to making recommendations to the Presidents on the need for continuation.

12. The suggested draft agenda for the first meeting of the JPSM is as follows:

(i) Consideration of the structure, rules and budget of the JPSM.

(ii) Consideration and adoption of the recommendations of the Joint Committee and UNISFA.

(iii) Report by UNISFA FC on the outcome of his assessment mission.

(iv) Consideration of corridors of movement in the SDBZ.

(v) Appointment of the JBVMM for endorsement by the Parties.

(vi) Agreement of the date of launching of the SDBZ and related security mechanisms.

(vii) Discussion on corridors within the SDBZ.

(viii) Date, time, location and agenda of the next JPSM.

(ix) Any Other Business.

Annexes:

A. Tasks of the Support Border Monitoring Mission

B. Tasks of Joint Border Verification Sectors (JBVMS) and Joint Border Verification Teams (JBVMTs)

C. Rules of procedures for the JPSM

Signed on 30 July 2011 at Addis Ababa

(*Signed*)
Gen. Ismat Abdelrahman **Zain Elabdeen**
Government of the Sudan

(*Signed*)
H.E. Lt. Gen. Paul Mayom **Akec**
Government of South Sudan

(*Signed*) Witnessed by Pierre **Buyoya**
African Union High Level Implementation Panel

Annex A
Tasks of Border Monitoring Support Mission

1. Assist in ensuring the observance of the Security Commitments agreed by the Parties;

2. Support activities (verifications, investigations, monitoring, arbitrations, training, liaison coordinating reporting, information exchange and patrols as required between the Parties along SDBZ;

3. Support control of Small Arms and Light Weapons (SALW) circulation within and across the SDBZ, with the JBVMM, JBVMMS, JBVMTs.

4. Conduct institutional training for border police and border security mechanisms as requested by the Parties;

5. Chair JBVMM meetings and sign JBVMM decisions with the Parties;

6. Oversee complaints of the Parties to the obligations under the Joint Position Paper on Border Security of 30 May 2011;

7. Coordinate planning, monitoring and verification of the implementation of the Joint Position Paper on Border Security of 30.05.2011;

8. Receive, verify and resolve violations, disputes and complaints;

9. Facilitate liaison between the Parties;

10. The JBVMM shall maintain necessary chart geographical and mapping references, which once agreed to the border between the two states, shall be used for the purpose of monitoring of the implementation in accordance with Paragraph 2 of the Agreement on Border Security and the Joint Political and Security Mechanism of 29 June 2011;

11. Assist, facilitate and help to protect the demarcation teams within the SDBZ as requested by the JPSM;

12. Create capacity for effective bilateral management mechanisms;

13. Assist building mutual trust, confidence and an environment which encourages long-term stability and economic development.

Annex B
Tasks of Joint Border Verification and Monitoring Sectors (JBVMS) and Joint Border Verification Teams (JBVMTs)

1. JBVMS Tasks:

   1.1 Coordinate planning, monitoring and verification of the implementation of the agreement within its jurisdiction.

   1.2 Upon complaint of a security nature submitted to the JBVMS leader by representative of either party, task JBVMT to monitor, verify and report on security within SDBZ.

   1.3 Submit a report to JBVMM signed by the JBVMS leader and senior representative of each party, with a copy of the report to each party.

   1.4 Report unlawfully held weapons to the JBVMM and appropriate police authorities for confiscation. Observe and record their destruction and report on local disputes. Any disputes beyond their competence are to be raised to the JBVMM.

   1.5 Liaise and conduct meetings every two weeks and when necessary.

   1.6 Maintain necessary charts, graphical and mapping references in its area of jurisdiction, which once agreed to be the border between the two states, shall be used for the purpose of the monitoring of the implementation of this agreement.

   1.7 Facilitate liaison between their mother units in the two states within its jurisdiction and to discuss the relevant issues which shall better inform the JBVMM agenda.

2. JBVMS HQ Composition:

   2.1 Two officers from each, SAF and SPLA with the ranks of not less than Lt. Colonel.

   2.2 Two police officers from each side with the ranks of not less than Lt. Colonel or equivalent.

   2.3 Two NISS officers from each side with ranks of not less than Lt. Colonel.

   2.4 One Legal Advisor from each side.

   2.5 One command post composed of two military officers from each side plus one external observer/monitor.

   2.6 Two JBVMS shall reach its decisions by consensus of the Parties and shall establish its internal regulations.

3. JBVMTs (Teams): There will be a minimum of six teams; however, given the size of all sectors is not the same, the Parties agree that the number of teams and their locations will be determined by the sector commander in consultation with the JBVMM and the Force Commander and with the approval of the JPSM. Additionally teams if required, may be created this way or disbanded where they are no longer required.

3.1 Team Composition: Each team will be composed of an equal number of representatives from each party; the team leader (external observer), one representative from each of SAF and SPLA, plus one representative from the police, one from national security and one Legal Advisor from each Party. If necessary for a specific mission, a representative from the local authorities or community will be attached to the JBVMT. Teams will be deployable by vehicle or air, with freedom to move throughout the SDBZ on both sides of the border and appropriate equipment for their function, including cameras.

3.1.1 Team tasks: Teams will act jointly to:

3.1.1.1 Monitor and report on security within the SDBZ by conducting patrols and visits as required throughout their respective sectors in order to prevent any violations and enhance confidence-building.

3.1.1.2 Report unlawfully held weapons to the Joint Border Verification Monitoring Sectors (JBVMS) for more verification in justifying the unlawful weapons and awaiting destruction directives from JPSM.

3.1.1.3 Arbitrate on local disputes. Any disputes beyond their competence are to be raised to sector level and to the JBVMM if necessary who may then raise it to JSPM if necessary.

3.1.1.4 Upon complaint of a security nature submitted to the JBVMT leader from the representative of either party, the JBVMT leader will task the JBVMT to monitor, verify and report on security situation within the SDBZ to JBVMS.

3.1.1.5 Submit a report to the JBVMM signed by the JBVMS leader and a senior representative of each party, with a copy of the report to each party.

3.1.1.6 Liaise and conduct meetings every week and when necessary.

4. Police:

4.1 Official border crossings and movement corridors will be decided by the first (preliminary) JPSM meeting, based on the proposals of the 2 Parties which will be provided to the JPSM secretariat before the first (preliminary) JPSM meeting;

4.2 The crossing of the SDBZ shall be through identified crossing points and corridors.

4.3 Border crossing procedures will be conducted consistent with the normal customs and immigration rules and procedures of the two sovereign states.

Annex C
Rules of Procedure for the JPSM

1. Timings. The JPSM shall meet quarterly but can call extraordinary meetings when any problem occurs. The JBVMM shall meet on a monthly regular basis in the mission headquarters, or in any other location as decided by the JBVMM. The JBVMM may also meet on an emergency basis when the situation requires.

2. Locations. The location of the JPSM will rotate with its chair and will normally alternate between Khartoum and Juba; however, both chairs may agree to hold a JPSM:

2.1 In an area closer to or inside the SDBZ, if they agree that this would provide JPSM members with greater awareness of an agenda item; or

2.2 In a neutral location with the agreement of a host country.

3. JPSM Secretariat. The JPSM Secretariat will:

3.1 Comprise 8 persons drawn 50/50 from the sending States.

3.2 Be fully established and appropriately equipped and housed in two offices (Khartoum and Juba) in time to support the first (preliminary) JPSM meeting. Each office shall be routinely manned by the 4 staff members and funded by each sovereign state. However all eight staff shall concentrate on the office where a JSPM meeting is to be held for a period of up to 15 days (the exact duration to be decided by the hosting chair) either side of the date of the JPSM meeting in order to provide support for that meeting times of JPSM meetings all the 8 staff shall converge for a JPSM meeting that is to be held for agreed period. And in case of a meeting in a neutral location the JPSM will coordinate and liaise with the host country.

3.3 The funding of the SBDZ National Border Security Mechanisms and the JPSM secretariats is the sole responsibility of each sovereign state with the support of the third 3rd Party for the international elements.

3.4 Be funded on a 50/50 basis by both states.

3.5 Tasks. The JPSM Secretariat will:

3.5.1 Coordinate all aspects of JPSM work, including the day to day administrative activities and regular reports of JPSM meetings.

3.5.2 Circulate the agenda at least 7 days in advance of JPSM meetings.

3.5.3 Draft minutes of JPSM meetings for ratification by signature of both chairs within 7 days following a JPSM meeting.

3.5.4 Publish the agreed minutes of the JPSM within 14 days of the date of respective meetings.

3.5.5 Prepare budget submissions for JPSM ratification and accountability.

3.6 Public Information/Media. All contact with the media will be conducted on a joint basis and only by the JPSM chairs or their designated

spokespersons. JBVMM and JBVMS and JBVMTs will refer all media/public information issues to the JPSM.

3.7 Exchange of Information and Liaison. In the spirit of Kuriftu General Objective 7 and of cooperation and in order to build confidence and de-escalate potential cross-border tension, the Parties will establish:

3.7.1 Direct communications between the respective members of the JPSM from each sovereign state and with the JPSM secretariat;

3.7.2 The exchange of information shall be through the SDBZ coordinating security mechanisms JPSM, JBVMM, JBVMS and JBVMTs secretariats and the two Embassies.

3.8 Logistics and Funding. The cost of JPSM meetings, less for travel to the meeting which shall remain the responsibility of the sending States, will be met by the hosting government. In the event that a JPSM Meeting is held in a neutral location, it will be for the joint chairs to agree a funding mechanism with the host country before confirmation of the meeting location.

3.9 All other costs of the JPSM, JBVMM, JBVMS and JBVMTs, less for the costs of external monitoring which will be met by the appropriate authority, will be the sole responsibility of the two states in equal proportion. The JPSM budget for the coming accounting (calendar) year will be agreed as a JPSM agenda item no later than 6 months before the beginning of the accounting year and ratified by the two sending governments no later than 3 months before the start of the accounting year.

3.10 The budget for the remainder of the first accounting year will be estimated at by the preliminary JPSM; 50% of this sum will be deposited into each of two escrow accounts (to be administered by the 2 States) no later than 14 August. Any external donations and support will be held in an AU escrow account.

3.11 The JPSM Secretariat will publish the actual expenditure against budget for the JPSM during the previous accounting year no later than one month after the end of the accounting year. The JPSM Secretariat will publish its annual budget forecast for the coming accounting year no later than 6 months before the beginning of the accounting year.

4. Coordinating Instructions:

4.1 Numbers, Composition and Locations. The Parties shall inform the JPSM secretariat before 14 August 2011 in advance of the first (preliminary) JPSM meeting of the number, composition and location of, and boundaries between the security elements to be deployed in the SDBZ. These details shall be ratified by the first meeting of the JPSM. Any subsequent changes to the numbers, composition, deployments and boundaries of the security elements to be deployed in the SDBZ are to be ratified by the JPSM.

4.2 Small Arms/Light Weapons: The maximum calibre of weapons permissible within the SDBZ is 12.7 mm (0.5 inch). No other weapons,

including mines and grenades, shall be deployed within the SDBZ. Weapons verified as unlawful by the JBVMM, JBVMS, JBVMTs shall be recorded, secured and handed over to the appropriate police authority pending JPSM directives on destruction.

4.3 Border Demarcation: The JPSM will facilitate the work of the commission for demarcation of the border between the two sovereign states.